

Simple Resolution No. 1.

Senator Beck sent up the following resolution:

Whereas, The Honorable W. R. Holsey, former Senator from Henderson, Kaufman and Navarro Counties, and now a citizen of Bowie County, rendered distinguished service to this State as member of this Honorable Body in the Thirtieth and Thirty-first Legislatures, and is now on the floor of the Senate; therefore, be it

Resolved That Senator Holsey be extended the privilege of the floor and invited to address the Senate.

BECK.

Read and adopted.

Senator Holsey Speaks.

The Chair appointed Senators Beck, Purl and Oneal to escort former Senator Holsey to the platform.

The Chair introduced Senator Beck who introduced Senator Holsey. Mr. Holsey briefly addressed the Senate.

Adjournment.

On motion of Senator Woodward, the Senate, at 5:04 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

SECOND DAY.

Senate Chamber,
Austin, Texas,
July 15, 1931.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Martin.
Russek.

Woodul.

Prayer by the Chaplain, Rev. W. H. Doss.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See appendix.)

Committee Reports.

(See appendix.)

Bills and Resolutions.

By Senator Cunningham:

S. B. No. 2, A bill to be entitled "An Act declaring soil suitable to growing cotton, one of the natural resources of the State, and in need of preservation and conservation on account of root-rot, a soil disease that is fast spreading, and if not checked will impair and injure the soil, of the entire State, and further declaring that planting land to cotton without rotation aids the spread of said disease, and prohibiting all persons, partnerships, associations and corporations who own, lease or rent land from growing cotton during the year 1932 on more than one-half of the land previously cultivated in cotton during the year 1931, and prohibiting planting cotton two years successively, without rotation and making the violation thereof a misdemeanor, and fixing the punishment, also making it a duty of the Commissioner of Agriculture to procure similar laws in other States, and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senator Woodul, (by request).

S. B. No. 3, A bill to be entitled "An Act to amend Article 4644 of the Revised Civil Statutes of the State of Texas of 1925, relating to the issue of an injunction, or temporary restraining order, prohibiting sub-surface drilling or mining operations on the application of an adjacent landowner, claiming injury to the surface, or improvements, or loss or injury to the minerals thereunder; so as to provide for protection against an unnecessary number of wells, wasteful, uneconomical and

unscientific exploitation of the same field, pool, stratum and strata, or any part thereof, to the damage and injury of value or values of any person or persons having rights and interests therein, whether on adjoining land or not; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 4, A bill to be entitled "An Act to regulate and prescribe the duties of pipe lines as common carriers; to extend the powers of the Railroad Commission over the same; to prevent discrimination between the customers; to provide the methods of carrying out and enforcing their duties as common carrier; to prohibit and regulate their purchases of oil; to give priority to public over the pipe line owners in the shipment of oil; and to provide for damages to parties injured and penalties; and declaring an emergency."

Read and referred to Committee on State Affairs.

Senators Excused.

The following Senators were excused for the day:

Senator Small, important business, on motion of Senator Berkeley.

Senator Woodul, important business, on motion of Senator Thomason.

Senator Russek, death in the family, on motion of Senator Woodward.

Senator Martin, death in the family, on motion of Senator Stevenson.

Committees Report.

The committee appointed to notify the Governor that the Senate was ready for business appeared at the bar of the Senate and Senator Beck reported that the committee had performed its duty.

The Committee appointed to notify the House appeared at the bar of the Senate and Senator Hornsby notified the Senate that the committee had performed its duty.

Committees Appointed.

The Chair announced the appointment of the following committee to attend the funeral of Mrs. Russek:

Senators Stevenson, Holbrook, Hardin, Patton, Parr, Hopkins and Hornsby.

The Chair announced the appointment of the following committee to attend the funeral of Mr. Martin: Senators Poage, Loy, Thomason, DeBerry and Parrish.

Simple Resolution No. 3.

Senator Berkeley sent up the following resolution:

Whereas, The Honorable Claude B. Hudspeth, Congressman from Texas during the 66th, 67th, 68th, 69th, 70th and 71st Congresses, where he was known all over the United States as the "Fighting Cowboy Democratic Congressman from Texas," was a Member of the 30th, 31st, 32nd, 33rd, 34th, and 35th Texas Senates, and a Member of the Texas 28th and 29th Houses of Representatives,

And, Whereas, The Honorable Claude B. Hudspeth was seriously and dangerously ill for three years and had to surrender his seat in Congress on account of ill health with recovery apparently most improbable,

And, Whereas, The Honorable Claude B. Hudspeth has now entirely regained his health and is again hitting on all four, and has on the advice of his doctors become one of the leading golf players of the country,

And, Whereas, The Honorable Claude B. Hudspeth was not only a Member of Congress from the El Paso District but a Congressman for all Texas, and so great was the demand from his friends for his services from all sections of Texas that a good portion of his time in Congress was taken up serving them,

Therefore, Be it Resolved, that the Senate of Texas extend to Congressman Claude B. Hudspeth its heartiest congratulations on his complete recovery, and its sincerest and deepest love,

And, Be it Further Resolved, that the Honorable Claude B. Hudspeth is extended a most cordial invitation to visit Austin during this special session of the Legislature and renew his acquaintance with his many friends here and deliver an address to the Senate of Texas at his convenience.

And, Be it Further Resolved, that the Secretary of the Senate be instructed to convey this message from the Senate of Texas to the Hon. Claude B. Hudspeth.

Berkeley, Cunningham, Hornsby,

Pollard, Williamson, Parr, Gainer, DeBerry, Parrish, Woodruff, Patton, Cousins, Woodward, Poage, Thomason, Purl, Rawlings, Holbrook, Stevenson, Loy, Beck, Moore, Hopkins, Hardin, Neal, Oneal and Greer.

Read and adopted.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, July 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of one hundred and fifty thousand (\$150,000.00) Dollars, or so much thereof as may be necessary out of the General Revenues, to pay the per diem and mileage of members, the per diem of officers and employees and the contingent expenses of the First Called Session of the Forty-second Legislature of the State of Texas, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 1 read and referred to Committee on Finance.

Senate Concurrent Resolution No. 1.

Senator Poage sent up the following resolution:

Be it Resolved by the Senate of Texas, the House of Representatives concurring, that the members of the House and Senate shall receive the sum of eight (\$8.00) Dollars per day during the first called session of the Forty-second Legislature and no more; and that same shall be paid out of the contingent fund of the respective houses on warrants signed by their respective presiding officers.

POAGE.

Read and, on motion of Senator Moore, referred to the Committee on Finance.

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

To the Senate, 42nd Legislature, Capitol.

Gentlemen:

I hand you herewith a list of names of persons whom I have appointed as emergency notaries public, subject to your confirmation.

Very truly yours,

R. S. STERLING, Governor.

Referred to Committee on Governor's nominations.

Executive Office,

Austin, Texas, July 15, 1931.

To the Members of the Forty-second Legislature:

A grave crisis confronts the State in the conservation of its natural resources. The earth's reservoirs of oil and gas are being drained and virtually thrown away, and enormous underground waste is resulting from the orgy of disorderly production.

Section 59 of the State Constitution declares: "The conservation and development of all the natural resources of this State * * * and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties. * * *"

Aside from these legal "public rights and duties," Texas of today owes a solemn moral obligation to Texas of tomorrow, not to exhaust and dissipate its resources needlessly so as to deprive oncoming generations of their benefits.

This applies to soil, water and other mineral resources, with equal force as to oil and gas. The impoverishment and deterioration of the State's agricultural lands, already in advanced stages in some sections, is creating a conservation problem which bids fair in the not distant future, unless checked, to attain distressing proportions, directly affecting the welfare of every farmer in the State whose soil is being sapped of its fertility through erosion and lack of proper rotation of crops. State assistance and counsel, properly directed along proven scientific lines, could do much toward preserving the quality of the soil, and spare the tillers thereof incalculable losses from diminished productivity.

Existing laws are inadequate to carry out the conservation clause of the State Constitution, and in consequence the State is suffering grievously. The oil industry, one of the State's principal sources of wealth,

is demoralized and tottering on its foundations; thousands of people, directly dependent upon the industry, are going bankrupt; hundreds of thousands, perhaps millions, of owners are feeling the effects indirectly; and the State itself is losing millions of dollars annually in reduced gross production tax receipts—all due to the wanton release and waste of oil and gas which nature has been storing up for thousands of years in the subterranean sands.

So acute and disturbing has the emergency become, that citizens from all over Texas have besieged the Executive Office with telegrams, letters, petitions, long distance calls and personal visits, urging the convening of a special session of the Legislature to cope with the problem. Numerous chambers of commerce, local governing bodies, land, lease and royalty owners, business men and the vast majority of small independent oil men, have joined in the demand, pleading that immediate legislation was the only course that offered substantial relief.

Not wishing to put the State to the expense and the members to the inconvenience of an extraordinary session unnecessarily, I withheld action for several weeks, hoping that the conservation problem might be worked out through voluntary public effort. However, such effort apparently has proved fruitless; and finally, after many members of the Legislature had added their advocacy of a session and the enactment of a conservancy law, I concluded that this course should be taken.

Accordingly, I submit to your Honorable Body the matter of enacting legislation to make the conservation clause of the Constitution effective. And since this clause covers "all the natural resources of this State," I believe that our legislative program should properly include the conservation of all mineral resources, of the soil and of the waters of Texas.

The soil is the basic natural resource of the State, and it is being depleted so rapidly that unless remedial steps are taken, the heirs to our agricultural lands a few generations hence will find them a worn-out, unproductive legacy. Such already has proved the case in other states where the lands have been cul-

tivated longer, without adequate attention to conservation.

The public waters, too, are becoming more and more important as a natural resource, as the state grows. More and more they are coming into demand for power, irrigation and municipal use. While we have a Water Board for their conservation, we should look well to keeping our facilities abreast of the changing requirements of the times, lest we fail to realize the full public benefits of our waters.

Much study and consultation has strengthened my belief that conservation of our natural resources could best be achieved through a unified program of effort for conserving all natural resources. And so I commend this idea to your earnest consideration, confident of your wisdom to work out a constructive plan that will meet the emergency, give effect to the Constitution, and safeguard the State's interest in its natural properties, now and in the future.

Respectfully submitted,
(Signed) R. S. STERLING,
Governor.

Appointments Announced.

The Chair announced the following appointments:

Temporary pages made permanent, and the following: Jack B. Frizzell, Jr., George Bowers, Kerns Bowman Taylor, Jerome Pope, Billy Bischoff, Berry Brazelton, Harvey Dibrell, R. D. Chanslor, Early Wilson, Jr., Clyde Elam.

Special messengers: Hamlin Rugeley, Boyd Laughlin, David Loving, Fred Lowery.

Elevator operator: Donald Johnson.

Matron: Mrs. Mobley.

Porters: Jim Jackson, head porter; Buck Green, Tom Burton, Sam Grant, Arthur Johnson, Sam Trigg, Guss Goss, B. F. Smith, Bozia Harris, Lyman Edwards.

Secretary to Lieutenant Governor: Hazel Avery.

Executive Session.

On motion of Senator Pollard, the Senate, at 10:25 o'clock a. m., voted to go into executive session immediately. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

(Notaries confirmed. See immediately following last day's Journal.)

House Bill No. 1.

The Chair laid before the Senate the following bill:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of one hundred fifty thousand (\$150,000.00) dollars, or as much thereof as may be necessary out of the General Revenues of the State, to pay the per diem and mileage of members, the salaries and per diem of officers and employees, and the contingent expenses of the First Called Session of the Forty-second Legislature of the State of Texas, convened on the 14th day of July, A. D. 1931, by proclamation of the Governor; providing how payments shall be paid and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended unanimously.

The committee report was adopted.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1 was put on its second reading by the following vote:

Yeas—27.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodward.
Neal.	

Absent—Excused.

Martin.	Small.
Russek.	Woodul.

The bill was read second time and passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodward.
Neal.	

Absent—Excused.

Martin.	Small.
Russek.	Woodul.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodward.
Neal.	

Absent—Excused.

Martin.	Small.
Russek.	Woodul.

Adjournment.

On motion of Senator Woodward, the Senate, at 10:48 o'clock a. m., adjourned until 10 o'clock Friday morning.

APPENDIX.**Committee Reports.**

Committee Room,
Austin, Texas, July 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of one hundred fifty thousand (\$150,000.00) dollars, or so much thereof as may be necessary out of the General Revenues of the State, to pay the per diem and mileage of members, and salaries and per diem of officers and employees, and the contingent expenses of the First Called Session of the Forty-second Legislature of the State of Texas,

convened on the 14th day of July, A. D. 1931, by proclamation of the Governor; providing how payments shall be paid and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

In Memory
of
Mrs. Rosa Russek

Simple Resolution No. 2.

Senator Stevenson sent up the following resolution:

Whereas, The Supreme Master of the Universe has, in his inscrutable wisdom, caused to be taken from this life, Mrs. Rosa Russek, mother of our fellow colleague Senator Gus Russek of Schulenberg, Texas; and,

Whereas, Mrs. Russek was the wife of the late Ignatz Russek, who during his lifetime was one of the most prominent citizens of Schulenburg, and who was engaged in banking, mercantile and other business activities in and about that community; the father and mother of Senator Russek were among the leaders of the sturdy pioneers of that section of Texas, and did much in assisting in the development of that portion of Texas; now therefore, be it

Resolved, by the Senate of Texas, That we extend to Senator Russek and his family our deep sympathy in this hour of sorrow, and that the Senate, when it adjourns today, do so in honor of this noble pioneer Texas mother, and that a committee be appointed to attend the funeral, which committee shall include the Lieutenant Governor, and that this resolution be printed in the Journal, on a page set apart for that purpose, and that a copy of same be mailed to Senator Russek.

Stevenson, Holbrook, Beck, Berkeley, Cousins, Cunningham, DeBerry, Gainer, Greer, Hardin, Hopkins, Hornsby, Loy, Martin, Moore, Neal, Oneal, Parr, Parrish, Patton, Poage, Pollard, Purl, Rawlings, Small, Thomason, Williamson, Woodruff, Woodul, Woodward.

Read and adopted unanimously by a rising vote.

In Memory
of
Mr. John Martin

Simple Resolution No. 4.

Senator Holbrook sent up the following resolution:

Whereas, It has just come to the notice of the Senate that Mr. John Martin of Blum, Texas, brother of our fellow-colleague, Senator Will M. Martin of Hillsboro, Texas, has passed to eternal rest; and,

Whereas, The said John Martin, who spent his entire lifetime in Hill County, and who was engaged in farming was one of the outstanding citizens of his community, and that his passing is a distinct loss to all who knew him; now, therefore, be it

Resolved, by the Senate, That we extend to our colleague, Senator Will M. Martin, our profoundest sympathy in this hour of his great sorrow; that this resolution be printed in the Journal, on a page set aside for that purpose, and that a copy of same be mailed to Senator Will M. Martin, and to the family of his deceased brother at Blum, Texas.

Holbrook, Beck, Berkeley, Cousins, Cunningham, DeBerry, Gainer, Greer, Hardin, Hopkins, Hornsby, Loy, Moore, Neal, Oneal, Parr, Parrish, Patton, Poage, Pollard, Purl, Rawlings, Russek, Small, Stevenson, Thomason, Williamson, Woodruff, Woodul, Woodward.

Read and adopted unanimously by a rising vote.

THIRD DAY.

Senate Chamber,
Austin, Texas,
July 17, 1931.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Cousins.	Purl.
Holbrook.	Russek.
Martin.	Small.
Moore.	Williamson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Rawlings.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Gaainer:

S. B. No. 5, A bill to be entitled "An Act to regulate Texas State commerce by oil pipe line agencies, gas pipe line agencies, oil and/or gas purchasing agencies and persons, firms or corporations operating in the purchase, production, distribution, sale or transportation of crude oil and its products, natural gas and its products and artificial gas."

Read first time and referred to Committee on State Affairs.

Senators Excused.

The following Senators were excused for the day on account of important business:

Senators Moore, Small, Cousins, Williamson, and Holbrook on motion of Senators Hardin, Berkeley, Thomason, Woodruff, and Hopkins respectively.

Senators Russek and Martin were excused for the day on account of death in the family, on motion of Senators Stevenson and Beck respectively.

Advance Printing Ordered.

On motion of Senator Gainer, advance printing was ordered on S. B. No. 5.

On motion of Senator Cunningham advance printing was ordered on S. B. No. 2.

Adjournment.

On motion of Senator Woodward, the Senate, at 10:07 o'clock a. m., adjourned until 10 o'clock a. m. Monday.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
July 20, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Deberry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Cunningham.	Parr.
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Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.